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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Anil K. Kumar

Serial No.: 09/918,244

Filed: July 30, 2001

For: Supporting Both Packet
and Circuit-Based
Wireless Networks

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Art Unit: 2616

Examiner: Christopher P. Grey

Docket: ITL.0599US
P11740

Assignee: Intel Corporation

Mail Stop **Appeal Brief—Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

In response to the new arguments raised by the examiner in the Examiner's Answer, the following Reply Brief is submitted.

A. Are claims 1-4, 6, and 8 indefinite under 35 U.S.C. § 112, second paragraph for failing to point out and distinctly claim the subject matter of the invention?

The arguments made with respect to the asserted indefiniteness of claim 1 are not addressed in the Answer.

With respect to the arguments concerning claim 2, the only response is that, because page 10 of the Appellant's Brief "clearly states that the claim does not require that they be the same and thus they do not necessarily have to be the same", the appellant admits to the claim being vague and indefinite "as the applicant admits that the claim does not distinctly require, or not require the elements to be the same". Of course, the claim does not specify any software and thus there is no requirement that any software be the same. All that claim 2 requires is that, in addition to doing the

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Nancy Meshkoff

method of claim 1, you also do the method of claim 2. What software you use is not, and need not be, specified in a method claim. Thus the rejection should be reversed.

B. Are claims 5-8 unpatentable under 35 U.S.C. § 101 as being directed to non-statutory claimed subject matter?

The rejection has been withdrawn.

C. Are claims 1, 2, 5, 6, 9-11, and 14 anticipated under 35 U.S.C. § 102(e) by Hosain?

Initially, the rejection suggests that the arguments set forth in the Appeal Brief somehow rely on a mobile subscriber. This is untrue and a mobile subscriber is never even mentioned in the Appeal Brief.

It is argued that “any form of service within a packet data network is equivalent to a packet data service”. The problem with this argument is that there is no such thing as a “packet data network” in either the present application or the cited reference. Thus the claimed phrase “packet data service application software” has nothing to do with any asserted “packet data network”.

For example, the present application refers to circuit switched and packet switched networks. *See* page 3, lines 18-20. The cited reference talks about “packet based network”. *See* Summary, column 2, lines 45-50. Thus, there is no such thing in either reference as a “packet data network” and thus the argument that everything within the reference is a packet data service because the network is called a packet data network is simply untrue and unsupportable.

The Answer argues that, because Hosain does have mobility management states, he must therefore automatically close packet data service applications if a mobility management state is idle because everything in Hosain’s network is a packet data service application software. Even if everything was a packet data service application, just because the mobility management state is idle, nothing automatically happens in Hosain. Thus, the argument does not work because Hosain does not do anything automatically if a mobility management state is idle. The suggestion that some software is closed if the mobility management state is idle is untenable.

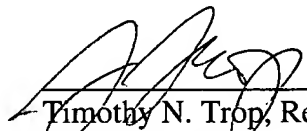
This rejection relies on the equality of mobility management states and packet data service application software. On its face, state and software are not the same thing and thus the rejection makes no sense.

Arguments on page 9 of the answer that Hosain teaches turning off mobility management in order to avoid additional charges does not suggest closing packet data service application software. Therefore, there is no basis for the rejection since the cited reference does nothing but mention mobility management state being idle but does not take any action automatically in response thereto and most certainly does not automatically close packet data service application software.

Therefore the rejection should be reversed.

Respectfully submitted,

Date: January 4, 2008



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